



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/958,337 10/27/97 NISKA

H 2358-3

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LM02/0625

EXAMINER

LOOMIS, P

ART UNIT

PAPER NUMBER

2743

DATE MAILED:

06/25/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

08/958,337

Applicant(s)

NISKA, ET AL.

Examiner

Paul A Loomis

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2743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Thro et al (5,864,764).

Consider claims 1, 3-5, 7-13, Thro teaches a cellular base station, which has a configuration mode. When in the configuration mode the base station gathers information concerning the RF operation circumstances, the infrastructure and the location information (see abstract and figure 3). Thro teaches that the information is then forwarded to configuration server (105, and figure 4 step 402). Thro teaches that the configuration server then uses this information to determine if a reconfiguration is needed and if so, determines the reconfiguration information and transmits this back to the base station (see steps 406-408). Thro teaches that the transceiver infrastructure includes both hardware and software (see col.5 lines 32-55). Thro also teaches that the software for implementation is object code (see col.5 lines 30-40). With consideration to claims 3 and 7, , Thro teaches that the information is gathered is in a format determined according to the type of communication link being used (see col.8 line 65), this reads on the abstract resource information model (see applicants definition on page 12). Also, the

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claimed site capabilities application for creating this model is inherent (i.e. if it is created, there has to be something to create it). Thro clearly teaches that the information model for transmission over the computer network is inherently different from the software used in the transceiver system.

Consider claim 2, Thro teaches that this is useful, when the base station is newly installed (see col.6 lines 1-10).

Consider claims 6 and 14-15, Thro teaches that the infrastructure measurements including channel information, channel frequency, all power information including max power, antenna information, carrier, software versions. Thro teaches that all of the operation information for a typical base station is processed and transmitted to the server.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(5,862,477) Wellard et al, (5,887,156) Subramanian et al, (5,434,798) Madebrink et al, (5,842,210) Chen et al and (5,016,269) Rogers are considered to be pertinent to the art.

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

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(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Loomis whose telephone number is (703) 305-4766. The examiner can normally be reached on Monday-Friday from 8:30 to 6:00.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700



PAUL LOOMIS  
PRIMARY EXAMINER